

REMARKS

This Amendment is being filed in response to the Office Action mailed February 4, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-24 remain in this application, where claims 1-2 and 16-17 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance with the drawings.

By means of the present amendment, claims 1-24 have been amended for non-statutory reasons, such as including beginning the dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-24 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-5, 7-8, 11-20 and 22-24 are

rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,436,789 (Caliskan). Further, claims 6 and 21 are rejected under 35 U.S.C. §103(a) over Caliskan in view of U.S. Patent No. 6,804,542 (Haartsen). Claim 9 is rejected under 35 U.S.C. §103(a) over Caliskan in view of article entitled "Rendezvous Layer Protocols for Bluetooth-Enabled Smart Devices" (Siegemund). Claim 10 is rejected under 35 U.S.C. §103(a) over Caliskan in view of U.S. Patent No. 7,398,327 (Lee). Applicant respectfully traverses and submits that claims 1-24, as amended, are patentable over Caliskan, Haartsen, Siegemund and Lee for at least the following reasons.

At the outset, it is respectfully submitted that Caliskan has a U.S. filing date of July 27, 2004. Caliskan also claims the benefit of U.S. Provisional Application No. 60/510,039, filed on October 9, 2003. However, a copy of U.S. Provisional Application No. 60/510,039 has not been provided, and thus the Applicant cannot ascertain whether the portions of Caliskan relied on by the Examiner are disclosed in the Provisional Application No. 60/510,039, so that such portions may be accorded an effective filing date of October 9, 2003.

Without a copy of the U.S. Provisional Application No.

60/510,039, it is respectfully submitted that the filing date of Caliskan is July 27, 2004 (and NOT October 9, 2003). As the filing date of Caliskan of July 27, 2004 is after the effective filing date of March 17, 2004 of the present Application, it is respectfully submitted that Caliskan is not prior art to the present application. If the Examiner wishes to rely on U.S. Provisional Application No. 60/510,039, filed on October 9, 2003, then a copy of same is respectfully requested for inspection.

Assuming, arguendo, that Caliskan is prior art to the present application, it is respectfully submitted that there is no disclosure or suggestion in Caliskan of the present invention as recited in independent claim 1, and similarly recited in independent claims 2 and 16-17, which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the communication device is arranged to respond to address information broadcast by a second communication device joining said network by determining whether a message containing address information relating to said one or more other communication devices **has previously been forwarded** from the communication device **to any other** of said one or more other communication devices and, **if not**, sending said message to the second communication device.

Determining whether a message has previously been forwarded from the communication device to any other communication device and, if not, sending said message to the second communication device, as recited in independent claims 1 and 16, or receiving a message sent from only one networked device, where this one networked device has not previously forwarded the message to any other communication devices, as recited in independent claims 2 and 17, is nowhere disclosed or suggested in Caliskan.

Rather, Caliskan merely discloses on column 10, lines 36-50 a routing protocol core 60 that updates its tables with new (or previously unknown) neighbor information. Further, column 12, lines 42-46 specifically recites that "[i]f a neighbor node hearing 315 the hello message knows 320 a network routing to a TCA control node 10C, if any, each neighbor node hearing 315 the hello message transmits 330 the TCA routing it knows 320 to the newly deployed node." (Emphasis added) That is, each neighbor node transmits a message or routing, which is unlike the present inventions as recited in independent claims 1-2 and 16-17 where, e.g., only one neighbor node transmits a message, or a message is sent if it is determined that the message has not been previously been forwarded

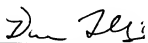
to any other device.

Haartsen, Siegemund and Lee are cited in rejecting dependent claims to allegedly show other features and do not remedy the deficiencies in Caliskan. Accordingly, it is respectfully requested that independent claims 1-2 and 16-17 be allowed. In addition, it is respectfully submitted that claims 3-15 and 18-24 should also be allowed at least based on their dependence from independent claims 1-2 and 16-17 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
May 4, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101